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7 IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 No. C 08-1739 CW

11 COMMONWEALTH ANNUITY AND LIFE
12 INSURANCE COMPANY, f/k/a ALLMERICA
13 FINANCIAL LIFE INSURANCE AND ANNUITY
CO.,

14 Plaintiff,

15 ORDER STRIKING
16 PLAINTIFF'S MOTION
17 FOR SUMMARY JUDGMENT
(Docket No. 40)

18 v.

19 JOHN DALESSIO; RITA DALESSIO; and the
20 DALESSIO FAMILY 2003 TRUST,

21 Defendants.

22 /

23 Plaintiff's motion for summary judgment is contrary to the
24 Court's order of April 29, 2009 and is therefore stricken.
25 Plaintiff must adhere to the briefing schedule contained in that
order.

26 IT IS SO ORDERED.

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28 Dated: 5/1/09

Claudia Wilken

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30 CLAUDIA WILKEN
31 United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

COMMONWEALTH ANNUITY AND LIFE
INSURANCE COMPANY et al,

Case Number: CV08-01739 CW

Plaintiff,

CERTIFICATE OF SERVICE

V.

DALESSIO et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 1, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John Dalessio
Rita Dalessio
16 Via Las Encinas
Carmel Valley, CA 93924

Dated: May 1, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk